Remarks

The office Action requires a new oath or declaration to correct the mailing address of inventor Marie-Alix Poul. The original declaration filed May 13, 1998 does, in fact, include the correct address of the inventor. However, the address was corrected, in the inventor's handwriting, without initialing the correction. Applicants respectfully submit that the declaration is suitable and proper for all other purposes, the formality regarding the change being the only deficiency.

The Office Action, in requiring a new Declaration quotes form paragraph 6.05.01, which indicates that a new oath or declaration is required when a non-initialed interlineation alters the wording of the Declaration.

Applicants respectfully submit that none of the wording of the required recitations was altered by the non-initialed interlineation. The inventor merely attempted to correct the mailing address.

MPEP § 605.02 makes it clear that in some circumstances, such as for correcting a mailing address, an Application Data Sheet (ADS) may be used rather than filing a new Declaration.

MPEP § 605.04(a) also specifically notes that

> If the examiner notes that the mailing or post office address has not been included in an oath or declaration filed on or after December 1, 1997, other than a copy of an oath or declaration from a prior application which complied with 37 CFR § 1.63 at the time that it was originally filed, and the mailing address is not provided in an Application Data Sheet, form paragraphs 6.05 (reproduced in MPEP § 6.05.01) and 6.015.19 may be used to notify applicant that the mailing or post office address has been omitted from the oath or declaration.

Applicants respectfully submit that the Declaration in question was filed after December 1, 1997 and that it is an original Declaration, and not a copy from a prior application. Accordingly, paragraph 6.05.19 applies rather than paragraph 6.05.01 as set forth in the Office Action. Paragraph 6.05.19 states:

6.05.19 Mailing or Post Office Address Omitted
It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Importantly, 6.05.19 allows the correction of mailing address via an ADS and does not require a substitute declaration.

Furthermore, 37 CFR § 1.67(a)(3) indicates the submission of an ADS with the correct address information is sufficient to correct a deficiency or inaccuracy of the address in an oath or declaration.

Accordingly, Applicants submit herewith, in accordance with the MPEP and appropriate rules, an Application Data Sheet (ADS), formatted in accordance with the Application Data Sheet guidelines, to correct the mailing address of inventor Marie-Alix Poul.

To the extent that the ADS is unable to correct the deficiency of the Declaration, Applicants respectfully request that further action on the deficiency of the Declaration be held in abeyance until the application is otherwise ready for issue and that the deficiency be waived pursuant to the last section of MPEP § 602.03 which states:

> However, when an application is otherwise ready for issue, an examiner with full signatory authority may waive the following minor deficiencies:
>
> Minor deficiencies in the body of the oath or declaration where the deficiencies are self-evidently cured in the rest of the oath or declaration, as in an oath or declaration of plural inventors couched in plural terms except for use of "sole inventors" is asserted. *In re Searles*, 422 F.2d 431, 437, 164 USPQ 623, 628 (CCPA 1970).
>
> If the above is waived, the examiner with full signatory authority should write in the margin of the declaration or oath a notation such as "Reference to the sole inventor rather than joint inventors waived; Application ready for issue." and his or her initials and the date.

The inventor's address, correct or incorrect, changed or unchanged, initialed or uninitialed, in the declaration is of little or no consequence, since the application has been assigned.

Applicants have also used the Application Data Sheet to correct the continuity data which incorrectly lists the International Filing date as January 31, 1994 rather than January 31, 1995.

We note with appreciation the acknowledgment of the claim for foreign priority under 35 U.S.C. §119 (a)-(d). A Certified copy of the priority document has been requested, and will be forwarded upon receipt.

Substitute Figs. 1-5 in English are also provided herewith.

A Substitute Specification (both in marked up and clean form) correcting minor typographical and idiomatic errors and complying with application formalities including a Brief Description of the Drawings and an Abstract is submitted herewith. No new matter is contained therein.

Claims 5-15 have been amended into proper dependent form. We accordingly request examination of those claims on the merits.

No new matter has been added.

Turning to the application on its merits, we respectfully submit that Claims 1-15 as amended are in condition for allowance. Specifically, Claims 1-15 have been amended to begin with an article such as "A" or "The." Additionally, the term "constituting" in Claim 1 has been replaced with the transitional term "comprising."

We respectfully submit that the recited promoters of Claim 2 may be the polyhedrin promoter or the p10 promoter, or may be another promoter in place thereof. As explained in the Specification at page 4, "'[b]aculovirus promoter' is defined as any promoter that can be integrated into the genome of a baculovirus.... This definition encompasses not only the promoters of the'wild' type, such as the promoters of polyhedrin and p10... but also the derivatives of promoters stemming from modifications of varying degrees of the sequence

of a'wild' baculovirus promoter...." As shown in Fig. 1, a promoter is inserted into the plasmid at the location of a wild-type p10 or polyhedrin promoter. Fig. 3, however, illustrates retention of the wild-type p10 promoter. Moreover, the viruses of Example 7 demonstrate that the promoters include the wild-type p10 and polyhedrin promoters or the synthetic promoter Syn in lieu thereof. Indeed, dependent Claim 4 encompasses the claimed recombinant baculovirus comprising expression cassettes having a p10 promoter, a polyhedrin promoter or the Syn promoter. Claim 2 merely specifies location of the promoter, not its origin. Accordingly, we respectfully submit that Claim 2 is in proper form.

Claims 3, 5, 12 and 13 have been amended to clarify that the phrase "strong promoter" refers to a promoter at least as strong as a polyhedrin promoter or p10 promoter as supported in the Specification at page 4.

Claim 4 has been amended to recite a proper Markush group.

In light of the foregoing, we respectfully submit that Claims 1-15 as amended herein are in proper form for allowance, which early action is hereby requested.

Respectfully submitted,

T. Daniel Christenbury
Reg. No. 31,750
Attorney(s) for Applicant

TDC/MP:gj
(215) 563-1810

Version with Markings to Show Changes Made to the Claims

1) (Amended) A recombinant~~Recombinant~~ baculovirus ~~constituting~~ comprising an expression vector ~~that can be used~~ for use in the production of immunoglobulins in an insect cell, ~~and characterized in that it comprises~~said expression vector comprising:

~~an~~a first expression cassette comprising a first sequence coding for at least one part of an immunoglobulin H chain, ~~which~~ wherein said first sequence is ~~placed~~ under transcriptional control of a first baculovirus promoter,

~~an~~a second expression cassette comprising a second sequence coding for at least one part of an immunoglobulin L chain, ~~which~~ wherein said second sequence is ~~placed~~ under transcriptional control of a second baculovirus promoter; wherein

~~the~~ said first baculovirus promoter and ~~the~~ said second baculovirus promoter~~promoters~~ are two different promoters and are located at two different loci.

2) (Amended) The recombinant~~Recombinant~~ baculovirus in accordance with Claim 1, ~~characterized in that~~wherein one of ~~the~~ said first and second baculovirus promoters is located at ~~the~~a site occupied in ~~the~~ wild baculovirus by ~~the~~a polyhedrin promoter and ~~that the~~said other baculovirus promoter of said first and second baculovirus promoters is located at ~~the~~a site occupied in the ~~wild~~ baculovirus by ~~the~~a p10 promoter.

3) (Amended) The recombinant~~Recombinant~~ baculovirus in accordance with Claim 1 or 2, ~~characterized in that the two~~wherein said first and second baculovirus promoters are strong promoters, wherein said strong promoters are at least as strong as a polyhedrin promoter or a p10 promoter.

4) (Amended) The recombinant~~Recombinant~~ baculovirus in accordance with Claim 3, ~~characterized in that~~wherein at least one of the first and second baculovirus promoters is selected from the group ~~constituted by~~consisting of:

~~the~~ a p10 promoter;

~~the~~ a polyhedrin promoter; and

~~a~~ a synthetic promoter, ~~referred to~~defined as Syn promoter and ~~constituted~~

~~by~~comprising a double-~~strand~~ stranded DNA fragment ~~the sequence of which, shown in the attached sequence listing as SEQ ID NO.: 1 and SEQ ID NO.: 2, is the following~~having one of the following sequences:

5- -3 (SEQ ID NO:1)
ATCAAATAAATAAGTATTTTAAAGAATTCGTACGTATTTTGTATATTAATTAAAATACTATACTGTAAATAGATCG
TAGTTTATTTATTCATAAAATTTCTTAAGCATGCATAAAACATATAATTAATTTTATGATATGACATTTATCTAGCCTAG
3- -5 (SEQ ID NO:2).

5) (Amended) The recombinant~~Recombinant~~ baculovirus in accordance with ~~one of Claims~~Claim 1 ~~to 4, characterized in that~~wherein each of said first and second expression ~~cassette~~ cassettes comprises: (i) a strong baculovirus promoter at least as strong as a polyhedrin promoter or a p10 promoter and, under the control of ~~the~~ said baculovirus promoter: (ii) a sequence coding for a signal peptide; (iii) a sequence coding for a variable immunoglobulin domain; and (iv) a sequence coding for a constant domain of an immunoglobulin H or L chain.

6) (Amended) The recombinant~~Recombinant~~ baculovirus in accordance with Claim 5, ~~characterized in that the~~ wherein said sequence coding for a signal peptide ~~placed under the control of the first promoter~~of said first expression cassette is different from ~~the~~ said sequence coding for a signal peptide ~~placed under the control of the second promoter~~of said second expression cassette.

7) (Amended) The recombinant~~Recombinant~~ baculovirus in accordance with Claim 5 ~~or 6, characterized in that~~, wherein at least one of the sequences coding for a signal peptide codes for a peptide that has an His-Val-Ser signal immediately upstream of ~~the~~a cleavage site used by ~~the~~a signal peptidase.

8) (Amended) The recombinant~~Recombinant~~ baculovirus in accordance with ~~one of Claims~~Claim 5 ~~to 7, characterized in that the sequence~~wherein at least one of said sequences coding for ~~the~~ a constant immunoglobulin domain is a sequence of human origin.

9) (Amended) An insect~~Insect~~ cell infected by a recombinant baculovirus in accordance with ~~one of Claims~~Claim 1 ~~to 8~~.

10) (Amended) A method for preparing an immunoglobulin comprising the steps of: infecting at least one insect cell with a recombinant baculovirus, said recombinant baculovirus comprising an expression vector comprising a first expression cassette comprising a first sequence coding for at least one part of an immunoglobulin H chain, wherein said first sequence is under transcriptional control of a second baculovirus promoter, wherein said first baculovirus promoter and said second baculovirus promoter are two different promoters and are lcoated at two different loci;
culturing said at least one insect cell in culture medium; ~~Procedure for the preparation of an immunoglobulin, characterized in that~~ insect cells in accordance with Claim 9 ~~are cultured~~ and ~~that the~~extracting said immunoglobulin ~~is extracted~~ from the culture medium.

11) (Amended) An immunoglobulin~~Immunoglobulin, characterized in that it can be~~ obtained by the ~~procedure in accordance with~~method of Claim 10.

12) (Amended) A process for preparing~~Procedure for the preparation of~~ a recombinant baculovirus in accordance with ~~one of Claims~~Claim 1 ~~to 8, which procedure is characterized in that~~comprising the steps of:

~~- one prepares~~preparing a first transfer plasmid comprising a sequence coding for at least one part of an immunoglobulin H chain, under transcriptional control of a first strong baculovirus promoter at least as strong as a polyhedrin promoter or p10 promoter;

~~- one prepares~~preparing a second transfer plasmid comprising ~~the~~ a sequence coding for at least one part of an immunoglobulin L chain, under transcriptional control of a second strong baculovirus promoter, at least as strong as a polyhedrin promoter or p10 promoter ~~of the said baculovirus; - with the~~ wherein said first and second promoters ~~being~~ are two different promoters;

- one carries out theperforming homologous recombination of the two plasmids with baculovirus DNA;

allowing replication of viral DNA in transfected cells;

- after replication of the viral DNA in transfected cells, one proceeds to the selection of theselecting recombinant baculoviruses that have integrated the sequence coding for at least one part of the immunoglobulin H chain and the sequence coding for at least one part of the immunoglobulin L chain.

13) (Amended) Procedure in accordance withThe process according to Claim 12, characterized in thatwherein each of said first and second transfer plasmid usedplasmids carries an insert comprising:

- an expression cassette such as defined in Claim 5 and, on both sides of this cassette;comprising a strong baculovirus promoter at least as strong as a polyhedrin promoter or a p10 promoter and, under the control of said promoter, a sequence coding for a signal peptide, a sequence coding for a variable immunoglobulin domain, and a sequence coding for a constant domain of an immunoglobulin H or L chain, said expression cassette flanked on each side by baculovirus sequences homologous with those of the regions flanking the portion of the viral genome which it is the intention to replace by insertion of the said cassettebeing replaced by said expression cassette.

14) (Amended) The process according toProcedure in accordance with Claim 13, characterized in that thewherein said baculovirus sequences are homologous with those sequences of the regions flanking the p10 gene or with sequenceshomologous with those of the regions flanking the polyhedrin gene.

15) (Amended) The process according toProcedure in accordance with Claim 14, characterized in that thewherein said baculovirus DNA with which is effected the homologous recombination of the transfer plasmids is constituted bycomprises DNA from a baculovirus that has previously been modified by insertion of twohaving a Bsu36I site on

~~both sides~~each side of the sequence coding for the p10 protein ~~(these~~, wherein said two Bsu36I sites ~~being~~ are the only Bsu36I sites ~~for the enzyme under consideration in the genome of the~~ said ~~modified~~ baculovirus~~)~~ DNA and wherein said baculovirus DNA is digested by the enzyme Bsu36I.